

SS:

BRIAN KREMER, et al.,
Plaintiffs,

v.

ROCKVILLE TBD CORP., et al.,
Defendants.

Affidavit Certifying Business Records and Authenticity Under Indiana Rules of Evidence 803(6) and 902(9) Regarding Historical Aerial Photographs

I, James R. Stout, on behalf of the Indianapolis Mapping and Geographic Infrastructure System Consortium (“IMAGIS”), certify that:

1. My position at IMAGIS is Program Manager. In that position, I oversee the collection, coordination and distribution of computerized map information, including aerial photography. I have worked for IMAGIS for 5 years and am familiar with IMAGIS' business practices, including its practices involving its business records.

2. IMAGIS was established in 1986. It is a multi-participant, public-private geographic information system (GIS) consortium for Indianapolis and Marion County, Indiana.

3. IMAGIS develops and maintains a multipurpose, digital basemap of Marion County, containing many layers of information, including but not limited to aerial photography and historical aerial photography. The IMAGIS consortium exists to pool resources and avoid duplication of effort by the various agencies in Indianapolis who make and need maps. These agencies include city and county departments, utilities and universities. IMAGIS members own

and store aerial photographs of Marion County, including historical aerial photographs taken during the following years: 1986; 1993; 1995; 1997; 1999; 2000; 2001; 2002; 2003; and 2004.

These aerial photographs are business records of IMAGIS.

4. Copies of historical aerial photographs of the general vicinity located to the west of State Road 37 and to the north of Banta Road for the years 1986, 1993, 1995, 1997, 1999, 2000, 2001, 2002, 2003, and 2004 are attached to this certification and labeled by year.

5. I have personal knowledge of the record-keeping and data-keeping process of IMAGIS and am familiar with IMAGIS' business records, including the historical aerial photographs of which I have provided copies to Sommer Barnard PC. I hereby certify that these historical aerial photographs:

- a. were made by a person with knowledge at or near the time (year) indicated by each photograph; and,
- b. were made and kept in the course of IMAGIS' regularly conducted business activity and it was a regular practice of that business activity to make and retain aerial photographs such as these.

6. The copies of the aerial photographs for which this certification is made are true and accurate copies of those aerial photographs maintained as business records of IMAGIS.

7. This certification is given in lieu of my personal appearance at trial.

I affirm, under the penalties for perjury, that the foregoing representations are true.

Date: _____

IMAGIS Consortium

By: _____

Printed: James R. Stout

Title: Program Manager